

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Friday - 21 June 1974

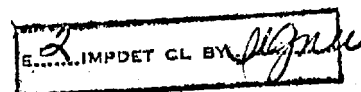
CIA INTERNAL USE ONLY

STAT
STAT
1. [] PLC) [] and I cleared with Frank Slatinshek, Chief Counsel, House Armed Services Committee staff, a proposal by Representative John M. Ashbrook, (R., Ohio), to send a letter to the Director requesting a run-down of the Agency's problems with H. R. 12471 which amends the Freedom of Information Act. Representative Ashbrook intends using the Agency's reply in his remarks on the House floor when the conference report on the bill is voted upon. I subsequently called George Armstrong, Representative Ashbrook's staff man, to inform him that we were most appreciative of the Representative's support. Armstrong hoped to have the letter ready for us Monday.

During the conversation, Armstrong requested any copies or references of open foreign source information involving Wilfred Burchett, the leftist Australian newsman, in pro-Communist activities. Burchett is planning to visit the United States and the House Internal Security Committee wants to deny his entry.

STAT
2. [] - PLC) Jim Kronfeld, Subcommittee on Foreign Operations and Government Information, House Government Operations Committee, called to inform me that the Subcommittee staff had unanimously taken the position that CIA must be exempted from the provision of H. R. 12006. The bill, now in markup grants any person the right of access to records concerning him maintained by Government agencies. Later in the day I left with Kronfeld our suggested language for inclusion in the conference report on H. R. 12471 which amends the Freedom of Information Act and is scheduled for conference committee consideration 9 July. Our language makes it clear that in any court review of Intelligence Sources and Methods the court must recognize that such information is protected by statute which allows little latitude of discretion for its protection.

CIA INTERNAL USE ONLY



CRC, 2/25/2003

House version exemption (b)(1)

"(b)(1) authorized under criteria established
by an Executive Order to be kept secret in
the interest of the national defense or foreign
policy."

The Senate receded on the rewording of exemption (b)(1).
Certain categories of information protected by statute, Restricted
Data (42 U. S. C. 2162), Communication Intelligence (18 U. S. C. 798),
and Intelligence Sources and Methods (50 U. S. C. 403(d)(3) and g), are
"born classified" and exempted under exemption (b)(3) of the Freedom
of Information Act. If such information is ever subjected to court
review, it is expected that in such cases the court will recognize that
agency heads are required by statute to protect this information and they
do not have the latitude for discretion permitted under Executive Order 11652.